

SENATE BILL No. 539

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2-46.2; IC 12-10-6; IC 12-30-4-12.

Synopsis: County home account. Creates the county home account within the state general fund and makes an appropriation to the account. Establishes nonmedical assistance payments to be made for county home residents to county homes. Requires the office of the secretary of family and social services to make payments from the account to county homes.

Effective: July 1, 2003.

Dillon, Lawson C

January 23, 2003, read first time and referred to Committee on Health and Provider Services.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 539

A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-46.2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 46.2. "County home",
3 for purposes of **IC 12-10**, IC 12-20, **and IC 12-30**, means a residential
4 facility owned, staffed, maintained, and operated by a county
5 government for eligible county residents who are able to perform
6 activities of daily living with little or no assistance, including the
7 following activities:

- 8 (1) Bathing.
9 (2) Dressing.
10 (3) Grooming.
11 (4) Walking.
12 (5) Using the toilet.
13 (6) Eating.

14 SECTION 2. IC 12-10-6-1, AS AMENDED BY P.L.294-2001,
15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2003]: Sec. 1. (a) An individual who:

- 17 (1) is at least sixty-five (65) years of age, blind, or disabled; and



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(2) is a resident of a county home;
is eligible to receive assistance payments from the state if the individual would be eligible for assistance under the federal Supplemental Security Income program except for the fact that the individual is residing in a county home.

(b) The amount of nonmedical assistance to be paid on behalf of a resident in a county home ~~must be based on the daily rate established by the division. The rate for facilities under this section and licensed under IC 16-28 may not exceed an upper rate limit established by a rule adopted by the division. is:~~

(1) thirty-five dollars (\$35) if a county home is licensed under IC 16-28-2; or

(2) thirty dollars (\$30) if a county home is not licensed under IC 16-28-2;

for each resident for each day to a county home from the county home account under section 1.5 of this chapter.

~~(c)~~ The rate for facilities under this section but not licensed under IC 16-28 must be the lesser of:

(1) an upper rate limit established by a rule adopted by the division; or

(2) a reasonable and adequate rate to meet the costs, determined by generally accepted accounting principles, that are incurred by efficiently and economically operated facilities in order to provide care and services in conformity with quality and safety standards and applicable laws and rules.

~~(d)~~ (c) The recipient shall be paid or allowed to retain from the recipient's income a monthly personal allowance. The amount:

(1) is fifty-two dollars (\$52);

(2) is exempt from income eligibility consideration by the division; and

(3) may be exclusively used by the recipient for personal needs.

~~(e)~~ (d) In addition to the amount that may be retained as a personal allowance under this section, an individual is allowed to retain an amount equal to the individual's state and local income tax liability. The amount that may be retained during a month may not exceed one-third (1/3) of the individual's state and local income tax liability for the calendar quarter in which the month occurs. This amount is exempt from income eligibility consideration by the division. The amount retained shall be used by the individual to pay state or local income taxes owed.

~~(f)~~ (e) In addition to the amounts that may be retained under subsections ~~(d)~~ (c) and ~~(e)~~, (d), an eligible individual may retain a



1 Holocaust victim's settlement payment. The payment is exempt from
2 income eligibility consideration by the division.

3 ~~(g)~~ **(f)** The personal allowance for one (1) month for an individual
4 described in subsection (a) is the amount that an individual would be
5 entitled to retain under subsection ~~(d)~~ **(c)** plus an amount equal to
6 one-half (1/2) of the remainder of:

7 (1) gross earned income for that month; minus

8 (2) the sum of:

9 (A) sixteen dollars (\$16); plus

10 (B) the amount withheld from the person's paycheck for that
11 month for payment of state income tax, federal income tax,
12 and the tax prescribed by the federal Insurance Contribution
13 Act (26 U.S.C. 3101 et seq.); plus

14 (C) transportation expenses for that month; plus

15 (D) any mandatory expenses required by the employer as a
16 condition of employment.

17 ~~(h) The division of disability, aging, and rehabilitative services, in~~
18 ~~cooperation with the state department of health taking into account~~
19 ~~licensure requirements under IC 16-28, shall adopt rules under~~
20 ~~IC 4-22-2 governing the reimbursement to facilities under this section.~~
21 ~~The rules must be designed to determine the costs that must be incurred~~
22 ~~by efficiently and economically operated facilities to provide room,~~
23 ~~board, laundry, and other services, along with minimal administrative~~
24 ~~direction to individuals who receive residential care in the facilities~~
25 ~~under this section. A rule adopted under this subsection by:~~

26 ~~(1) the division; or~~

27 ~~(2) the state department of health;~~

28 ~~must conform to the rules for residential care facilities that are licensed~~
29 ~~under IC 16-28.~~

30 ~~(i) A rate established under this section may be appealed according~~
31 ~~to the procedures under IC 4-21.5.~~

32 ~~(j) The division shall annually review each facility's rate using the~~
33 ~~following:~~

34 ~~(1) Generally accepted accounting principles.~~

35 ~~(2) The costs incurred by efficiently and economically operated~~
36 ~~facilities in order to provide care and services in conformity with~~
37 ~~quality and safety standards and applicable laws and rules.~~

38 SECTION 3. IC 12-10-6-1.5 IS ADDED TO THE INDIANA CODE
39 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
40 1, 2003]: **Sec. 1.5. (a) The county home account within the state**
41 **general fund is established for the purpose of making nonmedical**
42 **assistance payments to county homes (as defined in IC 12-7-2-46.2).**



1 This account shall be administered by the office of the secretary of
2 family and social services.

3 (b) The expenses of administering the account shall be paid from
4 money in the account.

5 (c) The treasurer of state shall invest the money in the account
6 not currently needed to meet the obligations of the account in the
7 same manner as other public money may be invested. Interest that
8 accrues from these investments shall be deposited in the account.

9 (d) There is annually appropriated to the county home account
10 four million two hundred thousand dollars (\$4,200,000) from the
11 state general fund for use in making payments to county homes
12 under section 1(b) of this chapter.

13 SECTION 4. IC 12-30-4-12 IS ADDED TO THE INDIANA CODE
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2003]: **Sec. 12.** The office of the secretary of family and social
16 services shall make nonmedical assistance payments on behalf of
17 a resident in a county home as set forth in IC 12-10-6-1(b).

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